

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:10-CR-79-1BO

UNITED STATES OF AMERICA :
 :
 v. :
 :
 CALVIN COLWETH GARNER, JR. :

AMENDED PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of Memorandum of Plea Agreement entered into by the defendant, Calvin Colweth Garner, Jr., on April 26, 2011 and Waivers of Interest filed on June 14, 2011, the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982, to wit, (a) a 2003 H2 Hummer, VIN: 5GRGN23U53H138616; (b) a 1994 Fleetwood Coronado Recreational Vehicle, VIN: 1GBKP37N6R3310404; (c) a Taylor 260P Bronco Propane Stripper Machine, from L. Fishman & Son, Inc.; (d) Monte Carlo, VIN: 1G1GZ37G7GR16722; (e) a 2004 Ford, F-150, VIN: 1FTPW145X4KA75162; (f) one Lowe's Merchandise credit card, account number: 6006491742044821787, with a balance of \$1,636.51 as of March 2, 2012; and

WHEREAS, by virtue of said Memorandum of Plea Agreement and Waivers of Interest, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement and

Waivers of Interest as to the defendant, Calvin Colweth Garner, Jr., the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

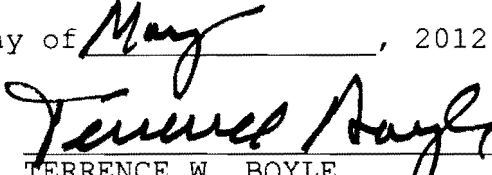
3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and

must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 20 day of May, 2012.


TERRENCE W. BOYLE
United States District Judge